

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RICHARD GERBER,	:	CIVIL ACTION NO. 1:15-CV-1492
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
WARDEN DONNA ASURE, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 24th day of November, 2015, upon consideration of the report (Doc. 12) of Magistrate Judge Susan E. Schwab, recommending the court grant *pro se* plaintiff's motion (Doc. 11) to withdraw his civil rights complaint (Doc. 1) but deny plaintiff's request to withdraw his motion (Doc. 8) for leave to proceed *in forma pauperis*, which the court granted by order (Doc. 9) dated September 24, 2015, and it appearing that plaintiff did not object to the report, ~~see~~ FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge's conclusions "may result in forfeiture of *de novo* review at the district court level," Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should "afford some level of review to dispositive legal issues raised by the report," Henderson, 812 F.2d at 878; see also Taylor v. Comm'r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Intern., Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to "satisfy itself that there is no

clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court being in agreement with Judge Schwab’s recommendation and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 12) of Magistrate Judge Schwab is ADOPTED.
2. Plaintiff’s motion (Doc. 11) to withdraw his complaint is GRANTED to the extent that plaintiff’s complaint (Doc. 1) is WITHDRAWN.
3. Plaintiff’s motion (Doc. 11) is DENIED to the extent plaintiff seeks to withdraw his previously granted application for leave to proceed *in forma pauperis*.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania